

State Disposal System permit determination for Subsurface Sewage Treatment Systems

Residential phased development

Subsurface Sewage Treatment Systems (SSTS) require a State Disposal System Permit (SDS) from the Minnesota Pollution Control Agency (MPCA) if the thresholds described in Minn. R. ch. 7081.0040, subp. 1 items B or C are met. The requirements are as follows:

7081.0040 STATE REGULATION.

Subpart 1. **Agency regulation.**

B. The owner or owners of an SSTS must obtain an SDS permit from the agency according to chapter 7001 when:

- (1) a single proposed or existing soil dispersal area receives a flow greater than 10,000 gallons per day; or
- (2) all proposed and existing SSTS soil dispersal areas that are under common ownership and within one-half mile of each other have a combined flow greater than 10,000 gallons per day. Flow from an SSTS with low impact to potable water is not counted in this subitem.

C. An SDS permit is required for any subsurface sewage treatment system or group of subsurface sewage treatment systems that the commissioner determines has the potential or an increased potential to cause adverse public health or environmental impacts if not regulated under a state permit. Conditions for these permits include systems in environmentally sensitive areas, unsubstantiated or unexpected flow volumes, and systems requiring exceptional operation, monitoring, and management.

Note – SSTS with low impact to potable water is defined in Minn. R 7081.0020, subp. 7a.

Phased development

Frequently, developers and local permitting authorities question whether an SDS permit is required if the development is completed in phases. The Agency's response to this question is yes; SDS permits are required for any facility that meets the criteria laid out in Minn. R. 7081.0040, subp. 1. B. This determination is based on the proposed ultimate, or final, capacity of the development at full buildout, not on intermediate steps or phases used in construction. This has been the position of the MPCA since August 2, 2002, as documented in our memo to County, City, and Township Planning and Zoning Administrators. Additionally, in order to reflect this policy, Minn. R. 7081.0120, subp. 2 reads, in part, "If the ultimate development of phased or segmented growth meets or exceeds the thresholds in part 7081.0040, subpart 1, item B, the initial system or systems and all subsequent systems require a state disposal system permit."

State permitting of the full development, from the beginning of the process, allows for the appropriate permitting and system design decisions to be made at each stage of development rather than having to correct for deficiencies at a later date.

For more information or questions on SDS permits, please contact 800-657-3864.